

APPEAL NO. 020679
FILED APRIL 29, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 26, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable low back injury on _____ (all dates are 2001 unless otherwise noted), and that the claimant had disability from August 11 through August 19, and again from November 7, continuing through the date of the CCH.

The appellant (carrier) appeals on sufficiency of the evidence basis, summarizing evidence from the CCH on both the injury and disability issues. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant, a clerk in a plumbing parts wholesale business, testified that he injured his low back on _____ bending over to pick up a box of parts. Although timely notice is not an issue, substantial portions of the CCH dealt with to whom the claimant reported his injury, and when, as reflecting on the claimant's credibility. The claimant went to a hospital emergency room on _____ and gave a history of "lifting a 12 - 16 lb box @ work yesterday." All of the medical histories recite a similar incident. The claimant missed work the week of August 13 through August 17 and returned to work at light duty at his preinjury wage on August 20. The claimant continued to work light duty until September 23 when he quit in order to move to another city where his wife had been transferred. It is undisputed that the claimant could have continued in his light-duty position with the employer indefinitely provided that he continued to have the ability to work in that capacity. The claimant testified that he had a recurrence of his low back symptoms on November 7 and has been unable to work since that date.

The evidence was in conflict and different inferences could be drawn from the statements and testimony. The hearing officer heard the evidence, reviewed the record, and determined what facts had been established. We conclude that the hearing officer's determinations on the disputed issues are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge